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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **MARLA J. GOODMAN,**
13 **AKA MARLA JEANNE GOODMAN**
14 **836 Joyce Circle**
Billings, MT 59105

Case No.

2013-786

A C C U S A T I O N

15 **Registered Nurse License No. 572768**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 11, 2000, the Board of Registered Nursing issued Registered
24 Nurse License Number 572768 to Marla J. Goodman aka Marla Jeanne Goodman (Respondent).
25 The Registered Nurse License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on January 31, 2014, unless renewed.

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **DRUGS**

9 9. Dilaudid is a trade name for hydromorphone and is a Schedule II controlled substance
10 pursuant to Health and Safety Code section 11055(b)(1)(J) and a dangerous drug pursuant to
11 Business and Professions Code section 4022.

12 10. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code
13 section 11055(b)(1)(L) and is a dangerous drug pursuant to Business and Professions Code
14 section 4022.

15 11. Vicodin is a trade name of the narcotic substance hydrocodone bitartrate or
16 dihydrocodeinone with the non-narcotic substance acetaminophen. It is classified as a Schedule
17 III controlled substance pursuant to Health and Safety Code section 11056(e)(5) and is a
18 dangerous drug pursuant to Business and Professions Code section 4022.

19 **FACTS**

20 12. At all times relevant to this Accusation, Respondent was employed by Medical
21 Solutions as a traveling nurse and was assigned to the Emergency Department of Rancho Springs
22 Medical Center (hereinafter "the Hospital") on July 3-4, 2011 and July 10, 2011.

23 13. On July 13, 2011, D.C., the Emergency Department Manager of the Hospital was
24 advised of a complaint from Patient B that during Patient B's stay in the Emergency Department
25 on July 3-4, 2011, Respondent did not evaluate her need for pain medications and that she had
26 uncontrolled pain for hours. Patient B claimed that she did not feel the effects of morphine when
27 administered by Respondent but did feel pain relief when morphine was administered by the
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1 medical/surgical nurse. Patient B also complained that Respondent did not provide ice or
2 blankets and that Respondent was rude and condescending.

3 14. As a result of Patient B's complaint, D.C. reviewed Respondent's narcotic activity
4 withdrawals from Pyxis¹ for the past five 12-hour shifts. D.C. found the following discrepancies:

5 A. **Patient A:** Patient A presented with a high temperature, shaking and weakness.
6 Patient reported no pain in her pain assessment. Respondent was not assigned as Patient A's
7 primary nurse.

| Date | M.D. Order | Withdrawn by Respondent | Charted as given | Wastage noted | Discrepancy |
|--------|------------|-----------------------------------|------------------|---------------|----------------------|
| 7/3/11 | None | 1 tablet hydrocodone @ 2030 hours | No | None | 1 tablet hydrocodone |
| | None | 1 mg inj Dilaudid @ 2100 hours | No | None | 1 mg Dilaudid |
| | None | 1 mg inj Dilaudid @ 2130 hours | No | None | 1 mg Dilaudid |

15 B. **Patient B:** Patient B presented with a complaint of left flank pain.

| Date | M.D. Order | Withdrawn by Respondent | Charted as Given | Wastage noted | Discrepancy |
|--------|-------------------------------|---------------------------------|-------------------|---------------|---------------|
| 7/3/11 | 1 mg Dilaudid IV @ 2321 hours | 1 mg in Dilaudid @ 2329 hours | 1 mg @ 2333 hours | None | None |
| | 1 mg Dilaudid IV @ 2356 hours | 1 mg in Dilaudid @ 2356 hours | 1 mg @ 2355 hours | None | None |
| 7/4/11 | 8 mg IV Morphine @ 0013 hours | 10 mg inj Morphine @ 0013 hours | 8 mg @ 0015 hours | None | 2 mg Morphine |

24 ¹ Pyxis is a trade name for the automatic single-unit dose medication dispensing system
25 that records information such as patient name, physician orders, date and time medication was
26 withdrawn, and the name of the licensed individual who withdrew and administered the
27 medication. Each user/operator is given a user identification code to operate the control panel.
28 Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not
given to the patient are referred to as "wastage." This waste must be witnessed by another
authorized user and is also recorded by the Pyxis machine.

| | | | | | |
|--|-------------------------------------|--------------------------------------|----------------------|------|------|
| | 4 mg IV Morphine @ 0309 hours | 4 mg inj Morphine @ 0314 hours | 4 mg @ 0310 hours | None | None |
|--|-------------------------------------|--------------------------------------|----------------------|------|------|

C. **Patient C:** Patient C presented with complaint of abdominal pain. Respondent was not the primary nurse assigned to Patient C.

| Date | M.D. Order | Withdrawn by Respondent | Charted as Given | Wastage noted | Discrepancy |
|--------|---------------------------------------|--------------------------------------|------------------------|------------------|--------------------|
| 7/4/11 | 0.5 mg Dilaudid IV @ 0422 hours | 1 mg inj Dilaudid @ 0440 hours | 0.5 mg @ 0430 hours | None | 0.5 mg Dilaudid |
| | 0.5 mg Dilaudid IV @ 0539 hours | 1 mg inj Dilaudid @ 0530 hours | 0.5 mg @ 0530 hours | None | 0.5 mg Dilaudid |
| | 1 mg Dilaudid IV @ 0616 hours | 1 mg inj Dilaudid @ 0621 hours | 1 mg @ 0620 hours | None | None |

D. **Patient D:** Patient D presented with complaints of dizziness, vomiting and blurred vision.

| Date | M.D. Order | Withdrawn by Respondent | Charted as | Wastage noted | Discrepancy |
|---------|-------------------------------------|--------------------------------------|----------------------|------------------|---------------|
| 7/10/11 | 1 mg Dilaudid IV @ 2044 hours | 1 mg inj Dilaudid @ 2024 hours | 1 mg @ 2038 hours | None | None |
| | | 1 mg inj Dilaudid @ 2130 hours | None | None | 1 mg Dilaudid |
| | 1 mg Dilaudid IV @ 2135 hours | 1 mg inj Dilaudid @ 2216 hours | 1 mg @ 2215 hours | None | None |

15. As a result of the investigation, Respondent was terminated from her assignment at the Hospital.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unlawfully Obtain and/or Possess Controlled Substances)**

3 16. Respondent is subject to disciplinary action under Code section 2762, subdivision (a)
4 for unlawfully obtaining and possessing controlled substances on July 3-4, 2011 and July 10,
5 2011, in that Respondent withdrew controlled substances without physician's orders, failed to
6 document medication that was administered and failed to waste medication that was not
7 administered, as more fully set forth in paragraphs 12 – 15 above and incorporated by this
8 reference as though set forth in full.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 17. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)
12 for unprofessional conduct in that on July 3-4, 2011 and July 10, 2011, Respondent withdrew
13 controlled substances without physician's orders, failed to document medication that was
14 administered and failed to waste medication that was not administered, as more fully set forth in
15 paragraphs 12 – 15 above and incorporated by this reference as though set forth in full.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 572768, issued to Marla
20 J. Goodman aka Marla Jeanne Goodman;

21 2. Ordering Marla J. Goodman aka Marla Jeanne Goodman to pay the Board of
22 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
23 pursuant to Business and Professions Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: March 18, 2013


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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